

Congress of the United States
Washington, DC 20515

September 28, 2017

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: SB 169 – Title IX Codification: Sexual Harassment & Sexual Violence

Dear Governor Brown:

We, the undersigned members of the California Delegation of the United States Congress, respectfully request your signature on Senate Bill 169, an important measure to preserve federal civil rights protections in state law. SB 169 codifies specified enforcement and procedural standards concerning Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), which were adopted during the prior administration to preserve the right of all students to an educational environment that is free from sexual harassment and violence. Specifically, the 2011 guidance clarified the responsibilities of colleges and universities already included in Title IX with respect to sexual violence on college campuses. The U.S. Department of Education based the 2011 guidance on *existing* legal precedent, and previous guidance regarding sexual harassment, released by both Republican and Democratic administrations. While the current Administration has taken steps to roll back these protections federally, SB 169 will ensure that schools continue to provide a safe learning environment for students here in California.

As members of Congress, we hear from survivors of sexual violence frequently about the pain they experienced when they were attacked, and the additional indignity and hardship they suffer when our educational institutions and government fail to adhere to Title IX directives. Many of us are parents, and have had the experience of taking our children on college tours where the first question asked by parents is what the university is doing to protect students and prevent sexual assaults.

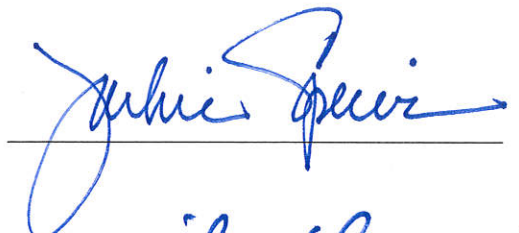
In 2011, the United States Department of Education's Office for Civil Rights (OCR) responded to the crisis of sexual violence in our nation's schools and universities by issuing detailed guidance concerning the relationship between sexual harassment, sexual violence, and existing federal Title IX protections. This guidance explained that sexual harassment under Title IX covers all sexual acts perpetuated against a person's will or where a person is incapable of giving consent, including forms of sexual violence such as rape, sexual assault, sexual battery, and sexual coercion. The directive reminded schools of their responsibilities to take affirmative steps to respond to sexual violence in accordance with Title IX, and provided fair and equitable procedures for schools to follow when investigating alleged Title IX violations, sanctioning offenders, and reviewing appeals and other party grievances.

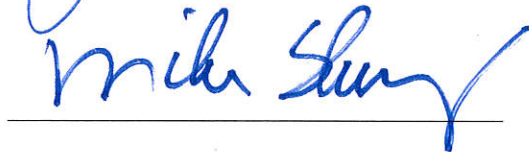
In a devastating blow to survivors and school safety last week, U.S. Secretary of Education Betsy DeVos rescinded the 2011 OCR guidance, as well as the 2014 clarifying guidance, and replaced it with watered down and harmful interim measures. This reversal of course on Title IX policy, which has driven schools to do more to prevent sexual violence and to protect sexual assault survivors, will effectively chill the ability of survivors to report incidents. It will also undermine efforts to confront the longstanding problem of campus sexual assault.

SB 169 is a necessary response to reduce an endemic culture of gender discrimination and violence in our schools. When twenty percent of undergraduate women and 6 percent of undergraduate men will be sexually assaulted or suffer an attempted sexual assault during their college years, it is incumbent on California to act when the federal government threatens to roll back important civil rights protections. By codifying provisions of the 2011 OCR guidance into California law, SB 169 strengthens Title IX in California and establishes clear standards for schools to follow to prevent and respond to student sexual harassment and violence. SB 169 also strikes the appropriate balance between protecting students and campuses and ensuring appropriate due process protections for all parties.

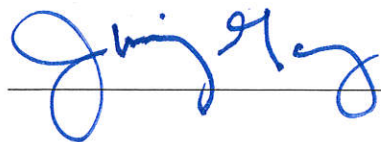
We urge your signature on SB 169 because all students in California have a fundamental right to pursue educational opportunities in a safe environment free of sexual harassment and violence.

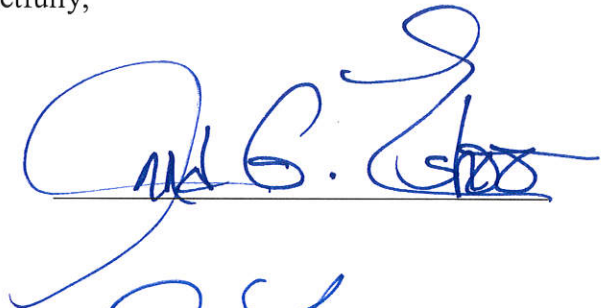
Respectfully,

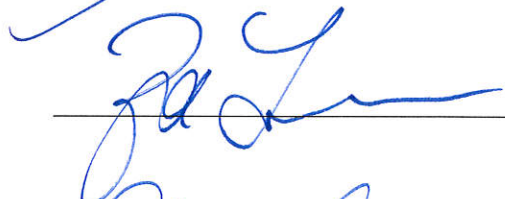
















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